

IMMIGRATION EXECUTIVE ACTION GUIDE

DAPA | DACA

Who Wrote this Guide and "Why Should I Listen to You?"



I'd like to start by thanking you for requesting this guide. The information provided in the next few pages or so is intended to help you prepare for the expected changes in immigration law and to answer some of your most

pressing questions. My name is Ruben Martinez Jr. I am licensed to practice law in California and started my own law firm because I wanted to change the way immigrants are treated when they need legal help.

THIS GUIDE INCLUDES THE FOLLOWING:

DACA



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DAPA



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Frequently Asked Questions



What makes someone ineligible? What documents do I need to show? I have criminal convictions, do I still qualify? When can I apply? And more...

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Do I Need an Attorney?



Not everyone needs an attorney. Don't be taken advantage of. Learn when and why you would need an attorney for your application.

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"Knowledge is power. Information is liberating. Education is the premise of progress, in every society, in every family."

The Law Office of Ruben Martinez Jr.

My office was established on the principle that building solid relationships with the client is the key to a successful law practice. I first began handling immigration cases nearly 10 years ago. This experience proved priceless, as I was able to witness first-hand the needs of the immigrant communities across the country. My practice is entirely devoted to

immigration law and it is my hope to provide you with the information you need. I believe in providing excellent quality information to consumers before they meet with or hire an attorney. Not everyone needs an attorney; however, it is important for you to be properly informed. Thank you again for ordering this guide and for considering my law firm.

Deferred Action for Childhood Arrivals (DACA)

Deferred Action for Childhood Arrivals (DACA) is a prosecutorial discretion program administered by USCIS that provides **temporary relief from deportation and work authorization** for certain young people that came to the United States as children. These applicants have often been referred to as “**DREAMers**.” It is important for applicants to understand that **DACA does not offer a pathway to legalization**. Thus, it is not a pathway for an applicant to obtain a “green card” or citizenship in the U.S. Instead, DACA helps young adults come out of the shadows by providing them with **employment authorization** (three years) and **temporary**

relief from deportation. The program is expected to help over half a million young adults move into mainstream life, thereby providing them with a better quality of life. The first version of DACA offered in 2012 maintained an age ceiling for certain individuals. Previously, applicants needed to be under the age of 31 on June 15, 2012. However, **the expanded version of DACA, announced in November 2014, eliminated the age ceiling** making individuals who began residing in the U.S. before January 1, 2010 eligible. Also, the recent announcement extended the work authorization from two years to three years.



DACA is a program that allows certain young adults to come out of the shadows by receiving temporary relief from deportation and temporary work authorization

Do I Qualify for DACA?



“We are a nation of immigrants. We are the children and grandchildren of the ones who wanted a better life, the driven ones, the ones who woke up at night hearing that voice telling them that life in that place called America could be better.”

While there are many complexities in immigration law, this guide is intended to distill the basic requirements for DACA and give you a starting point. Many of your concerns are likely addressed in the *Frequently Asked Questions* of this Guide. In short, in order to qualify for DACA, you must meet the following requirements:

1. You came to the U.S. before your 16th birthday
2. You have continuously resided in the U.S. since January 1, 2010;
3. You were physically present in the U.S. on January 1, 2010;
4. You are physically present in the U.S. when submitting your DACA application;
5. You had no lawful immigration status on November 20, 2014;
6. You are currently in school, graduated from high school, have a GED, or are an honorably discharged veteran of the Coast Guard or armed Forces of the U.S.;
7. You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors; and
8. You do not pose a threat to national security or public safety.

Deferred Action for Parental Accountability (DAPA)

The Deferred Action for Parental Accountability (DAPA) is a prosecutorial discretion program administered by USCIS. The program provides **temporary relief from deportation** and **work authorization** (three years) to individuals that are in the U.S. illegally and are parents of United States citizens or Legal Permanent Residents ("Green Card holders"). A recent study estimates that as many as 3.7 million people in the United States could be eligible for the DAPA program. It is important for applicants to understand that **DAPA does not offer a pathway to legalization**. Thus, it is not a pathway for an applicant to obtain a "green card" or citizenship in the U.S.

The DAPA program is a temporary relief measure that allows parents of U.S. Citizens and Legal Permanent Residents to become active members of our society. While critics blame the President for granting amnesty, the reality is that DAPA is not amnesty, but instead a temporary measure to protect certain individuals already in the United States. Specifically, unlike amnesty, the DAPA program only offers some unauthorized immigrants a temporary reprieve from deportation. However, it neither offers permanent resident status nor U.S. citizenship to these individuals. That power still remains within Congress' hands.



DAPA is a program that allows certain individuals that are the parents of U.S. citizens and "green card" holders to come out of the shadows by receiving temporary relief from deportation and temporary work authorization

Do I Qualify for DAPA?

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"Remember, remember always, that all of us, and you and I especially, are descended from immigrants and revolutionists."

While there are many complexities in immigration law, this guide is intended to distill the basic requirements for DAPA and give you a starting point. Many of your concerns are likely addressed in the *Frequently Asked Questions* of this Guide. In short, in order to qualify for DAPA, you must meet the following requirements:

1. You must have been without lawful immigration status on November 20, 2014;
2. You must have been a parent of U.S. citizen or permanent resident (any age, married or unmarried) on November 20, 2014;
3. You must have continuously resided in the U.S. on November 20, 2014;
4. You must be physically present in the U.S. when you submit your DAPA application;
5. You must not be an "enforcement priority"; and
6. You must not present any other factors that would make approval of your DAPA application inappropriate.

Frequently Asked Questions Regarding DAPA and DACA

As many of you already know, when it comes to immigration there is an enormous amount of bad information out there and people willing to take your money. Indeed, there are people who make a living trying to take advantage of immigrant communities (e.g. *Notarios*). This section hopes to answer some of the most common and pressing questions an applicant may have. Whether or not you hire an attorney to assist you, it's important to be well informed about different issues. Remember, knowledge is power and you should never be afraid to ask questions.

What supporting documents do I need to gather to show physical presence for my DAPA or DACA application?

It is important for applicants to gather supporting documents to show their physical presence on the required dates. Such documents can include, but is not limited to, the following: credit card bills, utility bills, lease agreements, taxes, pay stubs, school and medical records, etc.

When are applications being accepted for the new DACA program?

Applications under the new DACA guidelines are scheduled to be accepted 90 days from the President's November 20, 2014, announcement.

I already have DACA, will I get three years of work authorization when I renew?

Yes. Attorneys are reporting that renewal applications are being approved for the three year work authorization.

Will DAPA recipients be eligible for public benefits?

DAPA recipients will not be eligible for federal public benefits.

I have been convicted of three or more misdemeanors; do I still qualify for DACA?

It depends. Minor traffic offenses such as driving without a license will not be considered misdemeanors. Also, in order to be ineligible, the three misdemeanors must arise out of different acts. If you believe you may be disqualified for having three or more misdemeanors, it is important to consult with an experienced attorney.

I have been convicted of a felony, am I ineligible for DACA?

Yes. However, expunged or criminal convictions do not automatically disqualify an applicant.

I was briefly out of the U.S. during the required time, am I still eligible for DACA or DAPA?

If you were out of the U.S. only for a brief, casual, or innocent trip then you may still qualify for either of the programs. However, if your trip was beyond what is considered brief, casual, or innocent, then USCIS may find you ineligible.

When will DAPA applications begin being accepted?

It is important for applicants to know that USCIS has not set a specific date regarding when they will begin accepting applications. The tentative time frame is expected to be around May 2015. Applicants should not be required to pay any legal fees or application preparation fees for their DAPA applications. However, if you have other immigration-related issues (e.g. prior deportation, criminal conviction, etc.) then retaining an attorney to assess and correct these issues may be appropriate.

What are the filing fees for DAPA?

The government filing fee is expected to be \$465.

How much are the lawyer fees?

Depending on your immigration history, the lawyer fees can vary. However, for applicants that do not have any prior immigration issues, the general attorney fees can range from \$500 - \$3000. At the Law Office of Ruben Martinez Jr., for applicants who do not have other immigration or criminal related issues, the lawyer fee is between \$500 - \$750 per application.

Do I Need an Attorney?

We're extremely excited that you've decided to take the time to read this guide and become better informed clients.

However, you should note that simply ordering or reading this guide does not create an attorney-client relationship. You will find no legal advice within these pages, because every case is different, and every situation is unique. If you do want my legal opinion, please contact me at (213) 344-4670 or visit my website at www.visalawpro.com to send me an email. I'd be happy to conduct a no-obligation immigration assessment for you and to discuss the facts of your case and immigration options. Now the big question – "Should I Hire an Attorney?" The answer to this question is not as straightforward as one might think. On the one hand, the general DACA and DAPA applications are

provided in such a way that submitting the application is relatively straightforward. That being said, seeking a lawyer when something after something has gone wrong with your application can prove to be extremely costly. This choice is ultimately up to you, but remember to do your research and seek out answers to your questions. This guide should help and my office is always available to you. Also, one point I want to make – if you have an immigration history or a criminal history that may affect your application, seek the help of an immigration attorney. It is important to have someone on your side with experience in the field to prevent any problems or surprises that can arise. Best of luck to you and your family. I hope this guide was helpful.



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